

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVE EIDEN,

Plaintiff,

v.

HOME DEPOT USA, INC., dba
HOME DEPOT #6609; and HD
PROPERTIES OF MARYLAND,

Defendants.

NO. CIV. S-04-977 LKK/CMK

O R D E R

Pending before the court are the parties' motions for cross-summary judgment, to be heard on December 2, 2005 on the court's Law and Motion Calendar. Pursuant to Local Rule 56-260,

"any party opposing a motion for summary judgment or summary adjudication shall reproduce the itemized facts in the Statement of Undisputed Facts and admit those facts that are undisputed and deny those that are disputed, including with each denial a citation to the particular portions of any pleading, affidavit, deposition, interrogatory answer, admission or other document relied upon in support of that denial."

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1 Although plaintiff has filed an opposition brief, he has
2 failed to file a "Response SUF," or a document which reproduces the
3 itemized facts in defendants' statement of undisputed facts and
4 where plaintiff admits or denies those facts.¹ The court hereby
5 orders that plaintiff submit the "Response SUF" no later than
6 Friday, November 18, 2005, at 10:00 a.m. Should plaintiff fail to
7 submit the Response SUF by the date and time specified above, the
8 court shall consider the facts contained in defendants' statement
9 of undisputed facts conceded.

10 IT IS SO ORDERED.

11 DATED: November 15, 2005

12 /s/Lawrence K. Karlton
13 LAWRENCE K. KARLTON
14 SENIOR JUDGE
15 UNITED STATES DISTRICT COURT
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24 ¹ It appears that defendants have filed a "Response SUF," but
25 the court notes that it had difficulty finding this document
26 because in contravention of the Local Rules, the Response SUF was
filed concurrently with defendants' reply brief, rather than with
the opposition brief.